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| 10/516,468      | 07/21/2006  | Siegfried Arnold     | AT02 0029 US        | 5108             |

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| EXAMINER |
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LE, THIEN MINH

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| ART UNIT | PAPER NUMBER |
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2887

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03/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/516,468 | <b>Applicant(s)</b><br>ARNOLD ET AL. |  |
|                              | <b>Examiner</b><br>THIEN M. LE       | <b>Art Unit</b><br>2887              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The information disclosure statement filed on 12/2/2004 has been considered. The priority document filed on 12/2/2004 has been entered. The preliminary amendment filed on 12/2/2004 has been entered. Claims 1-11 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, because it is a single means claim. See *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Baentsch et al. (Baentsch et al. – 6,272,607; herein after referred to as "Baentsch").

Regarding claim 1, Baentsch discloses a recovery device comprising: (i) a storage means; (ii) a readout means; (iii) recovery means for rolling back data (see col. 1, line 59 – column 2, line 5). The following quotes that are relied upon are herein presented for further reviews:

(7) The implementation of the transaction model is generally based on maintaining a transaction buffer, part of which is in the persistent memory. There are two different modes of operation of the transaction support system. One mode is to maintain in the transaction buffer information allowing restoration of the original state of the memory cells updated in a transaction. Before updating a memory cell in a transaction, the transaction support system stores, in the transaction buffer, the cell's address and the previous value of that cell. This information allows to roll-back to that previous value in case of failure. If power is lost during a transaction, the data stored in the transaction buffer is used to recreate the old system state when power supply is established again.

(11) The transaction recovery procedure relies on the existence of a piece of information which declares whether a transaction has committed or not. This piece of information can be a transaction-buffer-valid bit which, when set to 1, signals that the buffer 6 contains data to be used for transaction completion, i.e. needs to be written to the persistent memory 50, and when reset to 0, signals that the buffer 6 contains no valid information, as far as the transaction support system is concerned. This transaction-buffer-valid bit is written to the buffer 6 where it is safe in case of a power down condition.

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Upon power-up, the transaction support system performs the transaction recovery procedure which starts with reading the transaction-buffer-valid bit. Generally with this it is determined, whether the buffer 6 contains valid data, i.e. headers and/or other data. Then the procedure copies all valid data from the buffer 6 to the persistent memory 50. Finally the transaction-buffer-valid bit is reset to "invalid".

(12) Since the object header 3 was written to the buffer 6, the buffer content is to be used to update the persistent memory 50. The set transaction-buffer-valid bit hence signals that the buffer content is valid. After updating the persistent memory using the buffer content, the transaction-buffer-valid bit is reset to 0.

(13) A mechanism similar to that for the headers 3, 4 is used for operations which involve the payload of the first object 9 that has just been allocated during the transaction. Until the transactional writing of the first object 9 is terminated successfully, there is danger of a non-successful termination. Any operation involving the data 2 or code in this payload and leading to a modification somewhere outside of the first object 9, has to be guaranteed that the transaction is successfully terminated, i.e. commits. To achieve this, the operation on code 2 also uses the buffer 6. For instance, if part of the code 2 in this first object 9 is to be modified, the modification is buffered in the buffer 6 and only executed, when the transaction commits. On the other hand, if code in the currently written first object 9 is to be amended, this can happen directly in this first object 9 because in the case of failure this amendment is not valid. This case can be detected by the transaction support system through the existence of the data space header 4 or the data header 3.

(14) In FIG. 1, a piece of code is to be transferred from the first object 9 to a second object 7 residing in the persistent memory 50. This operation will be executed only when the transactional writing is successful allocating the first object 9 completely. Therefore, the code 8 to be transferred, is buffered in the buffer 6. After completion of the transactional writing, the buffered code 8 is then transferred from the buffer 6 to the second object 7. In the case of a failure before the transactional writing has been confirmed as committed, the content of the buffer 6 will not be used. This leaves the non-allocated first object 9 and a non-modified second object 7 unchanged as if nothing happened. Upon power-up, a new attempt may be started to "atomically" allocate the first object correctly. If the transaction then commits, the transaction-buffer-valid bit indicates that the buffer content may be used to finish the transactional writing by updating the persistent memory content.

Regarding claim 11, the reader station, the contactless communication is considered to be an inherent application of Baentsch's smart card. The examiner is of the views that since Baentsch is teaching about preventing data losses during abrupted

abort of reading/writing operations, it is applicable for systems that require contact and contact-less smart cards.

### ***Allowable Subject Matter***

Claims 2- 5, 7-10, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to disclose a recovery device comprising: (i) a storage means; (ii) a readout means; (iii) recovery means and further having (a) first and second validity data and their storage areas in the manner as recited in claims 2-5 and 7-9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN M. LE whose telephone number is (571)272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien M. Le/  
Primary Examiner, Art Unit 2887